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SUPREME COURT OF WISCONSIN

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

In the Matter of Implementation of
SCR 75, regarding Court
Commissioners

ORDER
No. 00-12

On March 13, 2001, the court held a public hearing on the petition filed on September 15, 2000, by the director of state courts on the recommendation of the Committee of Chief Judges and District Court Administrators. The petitioners request amendment of the Supreme Court Rules to require a statement of economic interest from all circuit court commissioners and from authorized supplemental court commissioners who have performed at least 40 hours of circuit court commissioner duties in the preceding year, to omit the requirement that court commissioners file a monthly certification of pending cases, and to clarify the legal experience required for appointment as a court commissioner.

IT IS ORDERED that, effective the date of this order, the Supreme Court Rules 60.05 (8), 60.07 (2), 70.36 (5), and 75.02 (1) are amended as follows:

SECTION 1. 60.05 (8) (b) of the Supreme Court Rules is amended to read:

60.05 (8) (b) Financial ~~Reports~~ reports. Except as provided in SCR 60.07, a judge shall file with the ethics board a timely financial report as required by section 19.43 of the statutes. The report shall also be filed by commissioners of the supreme court, staff attorneys of the court of appeals, the director of state courts, members of the ~~board of attorneys professional responsibility~~ board of administrative oversight and preliminary review committees, and members of the board of bar examiners.

COMMENT

The chapter does not prohibit a judge from accepting honoraria or speaking fees provided that the compensation is reasonable and commensurate with the task performed. A judge should ensure, however, that no conflicts are created by the arrangement. A judge must not appear to trade on the judicial position for personal advantage. Nor should a judge spend significant time away from court duties to meet speaking or writing commitments for compensation. In addition, the source of the payment must not raise any question of undue influence or the judge's ability or willingness to be impartial.

See SCR 60.05 (4) (e) and sec. 19.56, Stats., regarding reporting of gifts and loans.

As provided in SCR 60.07 (2), sub. (8) does not apply to a judge serving on a part-time basis. Sub. (8) does not apply to a supplemental court commissioner authorized under SCR 75.02 (3) who has performed fewer than 40 hours of circuit court commissioner duties in the preceding calendar year.

SECTION 2. 60.07 (2)* of the Supreme Court Rules is amended to read:

60.07 (2) A judge who serves on a part-time basis, including a reserve judge, a part-time municipal judge, and or a part-time court commissioner, is not required to comply with the

* BABLITCH, J. dissents.

following: SCR 60.05 (3) (a), (b)~~7~~ and (c) 1. b., 2. a. and c., (4) (a) 1. b., (b), (c), (d)1 and (e), (5), (6), (7)1 and (8). All circuit court commissioners appointed under SCR 75.02 (1) and those supplemental court commissioners authorized under SCR 75.02 (3) who have performed 40 hours or more of circuit court commissioner duties during the preceding calendar year shall comply with SCR 60.05 (8).

SECTION 3. 70.36 (5) (b) of the Supreme Court Rules is amended to read:

70.36 (5) (b) A circuit court commissioner ~~may~~ should not routinely take matters under advisement. Every circuit court commissioner shall decide any matter within 30 days after the matter is submitted to him or her for decision. If the circuit court commissioner is unable to decide a matter within 30 days, he or she shall notify the chief judge not later than 5 days before the end of the 30-day period. The chief judge may extend the period to decide the matter for an additional 30 days or may require the circuit court commissioner to suspend all other assigned activities until the decision is filed in the court.

SECTION 4. 70.36 (5) (c) of the Supreme Court Rules is repealed.**

SECTION 5. 70.36 (5) (d) of the Supreme Court Rules is amended to read:

70.36 (5) (d) The chief judge may withdraw temporarily or permanently the circuit court commissioner's appointment or

** BRADLEY, J. dissents.

authority to act if the commissioner fails to comply with ~~par.~~
par. (b) or (c).

SECTION 6. 75.02 (1) of the Supreme Court Rules is amended to read:

75.02 (1) The chief judge of a judicial administrative district shall appoint within the district, as authorized by law, officers of the court to perform limited judicial and quasi-judicial functions under the direction and authority of the chief judge and judges of the circuit. These officers of the court shall be selected on the basis of merit through a process approved by the chief judge and the circuit court judges on the counties in which the officers will serve. The chief judge may ~~only~~ appoint ~~persons,~~ under this subsection, only persons who are licensed to practice law in this state, ~~and are~~ in good standing, ~~with at least 3 years of legal experience and~~ who have been licensed to practice law in any state for 3 years immediately before the appointment, except as otherwise provided by statute.

IT IS FURTHER ORDERED that notice of these amendments of the Supreme Court Rules be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 6th day of April, 2001.

BY THE COURT:

Cornelia G. Clark
Clerk of Court

